



May 8, 2008

Mr. Charles Terreni  
Chief Clerk/Administrator  
Public Service Commission of South Carolina  
P. O. Drawer 11649  
Columbia, South Carolina 29211

RE: Docket No. 2008-1-E

Dear Mr. Terreni:

Enclosed is Progress Energy Carolinas, Inc.'s ("PEC") objection to Items 2-2(a), 2-3(f) and 2-4(c) of Nucor-Steel South Carolina's ("Nucor") Second Set of Continuing Data Requests to PEC in this docket. PEC objects on the grounds that these items seek self-critical analyses regarding information prepared by or for PEC in order to improve plant safety, reliability and/or efficiency. Such information is privileged and cannot be discovered.

All parties have been served.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Len S. Anthony', written over a large, stylized, light-colored scribble or watermark.

Len S. Anthony  
General Counsel-Progress Energy Carolinas

LSA:daf

Enclosure

262994

STATE OF SOUTH CAROLINA

BEFORE THE SOUTH CAROLINA PUBLIC SERVICE COMMISSION

DOCKET NO. 2008-1-E

IN THE MATTER OF:

	)	
Annual Review of Base Rates For	)	PROGRESS ENERGY CAROLINAS'
Fuel Cost of Carolina Power & Light	)	OBJECTION TO ITEMS 2-2(A), 2-3(F) AND
Company d/b/a Progress Energy	)	2-4(C) OF NUCOR STEEL'S SECOND SET OF
Carolinas, Inc.	)	CONTINUING DATA REQUESTS

COMES NOW, Progress Energy Carolinas, Inc.'s ("PEC") pursuant to Rule 103-833 of the Rules of Practice and Procedure of the South Carolina Public Service Commission and Rule 26 of the South Carolina Rules of Civil Procedure and files its Objection to Items 2-2(a), 2-3(f) and 2-4(c) to Nucor Steel's Second Set of Continuing Data Requests in the above-referenced docket. In support thereof, PEC shows the following:

On May 2, 2008 Nucor Steel served PEC with its Second Set of Continuing Data Requests. Item Nos. 2-2(a), 2-3(f) and 2-4(c) of Nucor Steel's Data Request states for the forced outage at Brunswick Unit 1 beginning on 4/1/07, the forced outage at Brunswick Unit 1 beginning on 9/8/07 and the forced outage at Brunswick Unit 2 beginning on 4/1/07, respectively:

"Please provide all corrective action documents related to the outage including condition reports, event investigation reports, root cause evaluation reports or any similar corrective action document."


Studies, audits and/or evaluations of PEC nuclear plant outages which are prepared by or for PEC to allow it to improve the safety, reliability and/or efficiency of its nuclear plants constitute self-critical analyses. If PEC is required to produce these reports pursuant to a discovery request, it will have two distinct chilling effects upon the creation of such documents. First, PEC will be hesitant to continue to perform such analyses if they will be used against PEC in a regulatory

proceeding. Secondly, the individuals preparing the analyses will, in all likelihood, temper them to avoid reprisals resulting from litigation or adverse publicity. In either event, the public policy of encouraging safety and efficiency at nuclear plants will be thwarted. Therefore, PEC objects to these requests to the extent they seek self-critical analyses regarding such outages prepared by or for PEC in order to improve plant safety, reliability and/or efficiency. Such information is privileged and cannot be discovered. The Commission has previously ruled upon this issue in Docket No. 93-1-E. In that case, the Commission denied Nucor's Motion to Compel production of self-critical analyses finding that such documents are privileged and are not discoverable.

WHEREFORE, PEC respectfully requests the Commission to grant this objection.

Respectfully submitted this 8th day of May, 2008.

PROGRESS ENERGY CAROLINAS, INC.

By:   
Len S. Anthony  
General Counsel-Progress Energy Carolinas  
Post Office Box 1551  
Raleigh, North Carolina 27602  
(919) 546-6367

**STATE OF SOUTH CAROLINA  
BEFORE THE PUBLIC SERVICE COMMISSION**

**DOCKET NO. 2008-1-E**

In the Matter of:

Carolina Power & Light Company, d/b/a       )  
Progress Energy Carolinas, Inc., - Annual       )  
Review of Base Rates for Fuel Costs       )

**CERTIFICATE OF SERVICE**


I, Marsha H. Manning, hereby certify that Progress Energy Carolinas, Inc.'s Objections to Items 2-2(a), 2-3(f) and 2-4(c) of Nucor Steel-South Carolina's Second Set of Continuing Data Requests has been served on all parties of record electronically, by hand delivery or by depositing said copy in the United States mail, postage prepaid, addressed as follows this the 8th day of May, 2008:

Shealy Boland Reibold  
C. Lessie Hammonds  
Office of Regulatory Staff  
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John Flitter  
State of South Carolina  
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Marsha H. Manning  
Senior Legal Secretary to Len S. Anthony